

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Rafael LOPEZ-RIVAS

Case No. Case: 2:24-mj-30052
Assigned To : Unassigned
Assign. Date : 2/15/2024
SEALED MATTER (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 31, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry Following Removal from the United States

This criminal complaint is based on these facts:

On or about January 31, 2024, in the Eastern District of Michigan, Southern Division, Rafael LOPEZ-RIVAS, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 23, 2021, at or near Hidalgo, Texas, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

*Complainant's signature*Jeremy McCullough, Deportation Officer, ICE/ERO*Printed name and title*

Sworn to before me and signed in my presence.

Date: February 15, 2024

City and state: Detroit, Michigan

*Judge's signature*Anthony P. Patti, United States Magistrate Judge*Printed name and title*

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jeremy McCullough, being first duly sworn, hereby state the following under penalty of perjury:

1. I am a Deportation Officer with United States Department of Homeland Security, Immigration and Customs Enforcement, Enforcement and Removal Operations, having been so employed since March 2003. Previously I was employed by the United States Department of Justice, Immigration and Naturalization Service, Detention and Removal Operations. I am currently assigned to the Federal Bureau of Investigation (FBI) Violent Gang Task Force (VGTF) for 10 years. During my career, I have been involved in numerous investigations of federal immigration violations, identity theft, federal firearms, narcotics, credit card fraud investigations, homicide and public corruption investigations.
2. I make this affidavit from personal knowledge based on my participating in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. This affidavit is submitted in support of an arrest warrant for Rafael LOPEZ-RIVAS, date of birth 07/X/19XX, who is a native and citizen of Mexico. This affidavit is based on my personal knowledge, as well as information and reports submitted by other law enforcement officers, sources of information and information obtained from the alien file of Rafael LOPEZ-RIVAS. Because this affidavit is submitted for the limited purpose of demonstrating probable cause for the issuance of the requested warrant, it does not contain each and every fact known about this case by your affiant including ERO and the FBI.
4. Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of Title 8, U.S.C., Section 1326(a), Unlawful Re-Entry Following Removal, has been committed by LOPEZ-RIVAS.

Probable Cause

5. In November 2023, FBI Violent Gang Task Force (VGTF) received information that LOPEZ-RIVAS, an alien who had previously been removed from the United States, had unlawfully re-entered the United States. The information indicated that LOPEZ-RIVAS was residing at 8431 Longworth, Detroit, Michigan. VGTF initiated surveillance on 8431 Longworth, Detroit and since November 2023 LOPEZ-RIVAS has been observed at the residence multiple occasions, the most recent being on January 31, 2024.

Surveillance has also positively identified LOPEZ-RIVAS operating a White Dodge Journey. On December 7, 2023, a federal search warrant was obtained to utilize cellular data to identify the location of LOPEZ-RIVAS. The data received has corroborated the observations of the officers and agents.

Immigration History

6. On April 17, 2019, LOPEZ-RIVAS was issued an Expedited Removal from the United States in El Paso, Texas. On May 28, 2019, LOPEZ-RIVAS was removed from the United States to Mexico. His removal was verified by an immigration officer.
7. On November 15, 2019, LOPEZ-RIVAS was arrested by the United States Border Patrol near Alamogordo, New Mexico and issued a Notice of Intent/Decision to Reinstate Prior Order (Form I-871). On February 6, 2020, LOPEZ-RIVAS was removed from the United States to Mexico via Paso Del Norte, Texas Bridge (POE) after a false claim to United States citizenship.
8. On February 26, 2021, LOPEZ-RIVAS was arrested by United States Border Patrol near Rio Grande City, Texas and issued a Notice of Intent/Decision to Reinstate Prior Order (Form I-871). On October 23, 2021,

LOPEZ-RIVAS was removed from the United States to Mexico via Hidalgo, Texas.

CRIMINAL HISTORY

9. A criminal history query was conducted and reveals the following arrests involving LOPEZ-RIVAS:

- August 11, 2008, arrested by the Detroit Police Department, Detroit, Michigan for Arson, Disposition is UNKNOWN;
- February 7, 2009, arrested by the Dearborn Police Department, Dearborn, Michigan for Burglary and Possession of Controlled Substance, the case was later DISMISSED;
- March 28, 2011, arrested by the Detroit Police Department, Detroit, Michigan for Traffic Offense, Disposition is UNKNOWN;
- May 13, 2011, arrested by the Detroit Police Department, Detroit, Michigan for Traffic Offense, Disposition is UNKNOWN;
- June 21, 2011, arrested by the Detroit Police Department, Detroit, Michigan for Assault Excluding Sexual , Disposition is UNKNOWN;
- April 12, 2014, arrested by the Detroit Police Department, Detroit, Michigan for Dangerous Drugs, Disposition is UNKNOWN;
- October 3, 2015, arrested the Detroit Police Department, Detroit, Michigan for Traffic Offense, Disposition is UNKNOWN;

- June 16, 2016, arrested by the Detroit Police Department, Detroit, Michigan for Possession of a Stolen Vehicle, Disposition is UNKNOWN;
- June 18, 2016, arrested by the Michigan State Police, Metro North for Traffic Offense, Disposition is UNKNOWN.

10. According to law enforcement records and inquiries, LOPEZ-RIVAS currently has eight open arrest warrants in the State of Michigan.
11. An electronic file review of the Alien File (A# xxx xxx 618) for LOPEZ-RIVAS and queries in computer databases confirm no record exists of LOPEZ-RIVAS obtaining permission from the United States Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on October 23, 2021.

Conclusion

12. Based upon the above investigation and information, probable cause exists that Rafael LOPEZ-RIVAS, an alien, is present in the United States, specifically in the Eastern District of Michigan, Southern Division, after having been denied admission, excluded, deported and removed therefrom on October 23, 2021, without authorization from the Secretary of the United States Department of Homeland Security or the United States Attorney

General, to re-apply for admission thereto; in violation of Title 8, U.S.C. §
1326(a).



Jeremy McCullough
Deportation Officer ICE/ERO
Task Force Officer, FBI

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Anthony P. Patti
United States Magistrate Judge

Date: February 15, 2024